

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LARRY DENTON SMITH, et al.,
Plaintiffs,

Case No. 1:10-cv-03077-CL

v.

U.S. BANK, N.A., et al.,
Defendants.

ORDER

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). When either party objects to any portion of a Magistrate Judge's Report and Recommendation, the district court makes a de novo determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F. 2d 1309, 1313 (9th Cir. 1981).

Here, plaintiffs object to the Report and Recommendation, so

I review this matter de novo.

I agree with Magistrate Judge Clarke that plaintiffs' second amended complaint does not state a claim, and that there is no likelihood that allowing plaintiffs a third opportunity to amend the complaint could cure its deficiencies. Accordingly, I ADOPT the Report and Recommendation of Magistrate Judge Clarke.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#140) is adopted. Defendants' motions to dismiss (#114, #116, #118, and #120) are granted, and plaintiffs' motion for abatement (#139) is denied.

IT IS SO ORDERED.

DATED this 26 day of March, 2012.

A handwritten signature in black ink, reading "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE